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I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COMMISSION REGULATION (EC) No 311/2009**of 16 April 2009****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 April 2009.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 April 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	JO	93,2
	MA	79,9
	TN	139,0
	TR	111,9
	ZZ	106,0
0707 00 05	MA	51,1
	TR	147,5
	ZZ	99,3
0709 90 70	MA	47,9
	TR	92,5
	ZZ	70,2
0805 10 20	EG	44,4
	IL	63,9
	MA	44,9
	TN	51,8
	TR	55,3
	ZZ	52,1
0805 50 10	TR	63,2
	ZA	79,4
	ZZ	71,3
0808 10 80	AR	98,1
	BR	77,1
	CA	124,7
	CL	83,4
	CN	70,7
	MK	22,1
	NZ	118,7
	US	131,0
	UY	28,2
	ZA	84,1
	ZZ	83,8
0808 20 50	AR	79,5
	CL	88,1
	CN	64,3
	ZA	89,4
	ZZ	80,3

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 312/2009**of 16 April 2009****amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, and in particular Article 247 thereof,

Whereas:

(1) Annex 37 to Commission Regulation (EEC) No 2454/93 ⁽²⁾ provides that a number identifying the person concerned is to be entered in the customs declaration in certain cases. However, the type of identification number to be used is established by the Member States and Member States require the person concerned to be registered in their national systems. As a result, economic operators and other persons wishing to import goods, move goods under a transit procedure, export goods or apply for an authorisation to use customs simplifications or customs procedures in different Member States are obliged to register and to obtain a different identification number in each of those Member States.

(2) The measures to enhance security, introduced by Regulation (EEC) No 2913/92, as amended by Regulation (EC) No 648/2005 of the European Parliament and of the Council ⁽³⁾, provide for the analysis of risks and the electronic exchange of risk-related information between customs authorities and between those authorities and the Commission under a common risk management framework, for the customs authorities to receive pre-arrival and pre-departure information on all goods entering or leaving the customs territory of the Community, and for granting the status of Authorised Economic Operator to reliable economic operators who meet certain conditions. In order to enhance the effectiveness of those measures, it should be possible to identify the persons concerned by reference to a common number unique to each of those persons.

(3) It is therefore necessary to provide for an Economic Operators Registration and Identification number (EORI number) to be assigned to each economic operator and, where appropriate, to other persons to serve as a

common reference in their relations with customs authorities throughout the Community and for the exchange of information between the customs authorities and between customs authorities and other authorities. To ensure that it is unique, only one number should be used in respect of a given person.

(4) Certain provisions of Regulation (EEC) No 2454/93 may require persons other than economic operators to provide an EORI number where they have relations with customs authorities. Member States must therefore be allowed to register those persons.

(5) To limit the need for substantial changes to existing national registration systems and legal provisions, and to facilitate the integration of the central system with other national systems, it is appropriate to provide that economic operators, and where appropriate, other persons are to apply for and are to be assigned the EORI number by the Member States.

(6) In view of the diversity of the authorities involved in the registration of economic operators and other persons in the Member States, each Member State should designate the authority or authorities that will assign the EORI numbers and register the operators and other persons concerned.

(7) To reduce the administrative burden on economic operators and other persons, they should be able to obtain an EORI number that is valid in other Member States by registering in one Member State. For the purposes of simplifying the processing of information and facilitating contacts with customs authorities, once this number has been assigned, economic operators and other persons should be obliged to use that unique number in all communications with customs authorities where an identifier is required.

(8) For reasons of administrative simplification and to provide easy and reliable access to data for customs authorities, a central electronic system should be developed for storing and exchanging data on the registration of economic operators and other persons and on the EORI numbers.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 253, 11.10.1993, p. 1.

⁽³⁾ OJ L 117, 4.5.2005, p. 13.

- (9) In order to develop a central electronic system and ensure that it operates smoothly and securely, Member States and the Commission should cooperate closely.
- (10) Data available in the central system should be used in the exchange of information between the customs authorities and other national authorities only to the extent that their access to such data is necessary for the purpose of meeting their legal obligations in respect of the movement of goods concerned by a customs procedure.
- (11) Publication of EORI numbers and limited registration data of economic operators and other persons is a tool enabling other parties to verify those data. EORI numbers and some limited registration data should therefore be published. However, taking into account the consequences of publication, it should take place only where the economic operator or other person has freely given specific and informed written consent thereto.
- (12) The protection of individuals with regard to the processing of personal data by the Member States is governed by Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁽¹⁾ and the protection of individuals with regard to the processing of personal data by the Commission is governed by Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data⁽²⁾.
- (13) Pursuant to Article 28 of Directive 95/46/EC, the national supervisory authorities should monitor the lawfulness of the processing of personal data by the Member States, while, pursuant to Article 46 of Regulation (EC) No 45/2001, the European Data Protection Supervisor should monitor the activities of the Community institutions and bodies in relation to the processing of personal data in view of the limited tasks of the Community institutions and bodies with regard to the data, and these authorities, acting within the scope of their respective competences, should cooperate actively and ensure coordinated supervision of processing carried out in pursuance of this Regulation.
- (14) In the light of the experience gained since the adoption of Commission Regulation (EC) No 1875/2006⁽³⁾ amending Regulation (EEC) No 2454/93, it is necessary to adjust and specify certain details concerning pre-arrival and pre-departure declarations to be provided to the customs authorities on goods entering and leaving the customs territory of the Community.
- (15) More detailed rules are in particular required with regard to the information exchange between the operator of the means of transport and the customs office of entry in cases where a means of transport arrives at a port or airport other than that declared in the entry summary declaration.
- (16) Furthermore, it should be specified in which cases and in which form the operator of the means of transport is to notify the customs office of entry of the arrival of the means of transport.
- (17) More detailed rules are necessary defining the person responsible for providing information on non-Community goods which are in temporary storage upon their arrival in the customs territory of the Community. Such information should be derived as much as possible from data already available to the customs authorities.
- (18) Additional cases have been identified in which no pre-arrival or pre-departure declaration is required, in particular with regard to goods destined for drilling or production platforms or coming from such platforms, as well as weapons and military equipment transported by, or on behalf of, the military authorities of a Member State. Furthermore, in order to limit the burden for economic operators, consignments of goods the intrinsic value of which does not exceed EUR 22 should be exempted from pre-arrival and pre-departure declarations subject to certain conditions. Where such exemptions apply, risk analysis should be carried out upon arrival or departure of the goods on the basis of the summary declaration for temporary storage or the customs declaration for the goods concerned.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

⁽³⁾ OJ L 360, 19.12.2006, p. 64.

- (19) It is also necessary to specify the treatment of pre-departure declarations for which no exit confirmation has been sent by the customs office of exit to the customs office of export, and to provide for an enquiry and information procedure between the customs offices of export and exit. Furthermore, it should be possible for the customs office of export to close export movements for which no exit confirmation has been received from the customs office of exit, either on the basis of evidence submitted by the exporter or declarant or following the expiry of a specified time limit.
- (20) Regulation (EC) No 1875/2006 introduced in Regulation (EEC) No 2454/93 a number of measures with respect to the data to be collected for entry and exit summary declarations. Certain technical developments in the information technology necessary to implement those measures have shown that some adjustments to those data, set out in Annex 30A to Regulation (EEC) No 2454/93, are necessary.
- (21) In order to better identify cases where simplified data sets can be used for certain categories of declarations, the 'Mode of transport' should be a mandatory data element.
- (22) The best method for an unambiguous identification of the means of transport is the use of the IMO ship identification number (Unique European Vessel Identification Number) and of the unique European Vessel Identification Number (ENI). Those data should therefore be provided instead of the name of the vessel.
- (23) Since the carrier has to be informed wherever the entry summary declaration is lodged by another person, it is necessary to collect the reference of the carrier transport document number.
- (24) The possible fluctuations of international transport operations make it necessary to provide for the possibility to lodge diversion requests. For that purpose a new table for diversion requests data requirements should be inserted.
- (25) As a result of the requirement to provide the EORI number there will no longer be a need to use code numbers to identify parties and, as regards postal consignments, references to postal declarations should be replaced by references to the provision of data by postal services.
- (26) As a consequence of the adjustments made in respect of data requirements, the explanatory notes for the data elements concerned should be adjusted accordingly.
- (27) Regulation (EEC) No 2454/93 should therefore be amended accordingly.
- (28) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,
- HAS ADOPTED THIS REGULATION:
- Article 1*
- Regulation (EEC) No 2454/93 is amended as follows:
1. in Article 1, the following points 16 and 17 are added:

‘16. EORI number (Economic Operators Registration and Identification number) means:

a number, unique in the European Community, assigned by a Member State customs authority or designated authority or authorities to economic operators and to other persons in accordance with the rules laid down in Chapter 6.

17. Entry summary declaration means:

the summary declaration referred to in Article 36a of the Code to be lodged for goods brought into the customs territory of the Community, except where otherwise provided for in this Regulation.’;
 2. in Part I, Title I, the following Chapter 6 is added:

‘CHAPTER 6

Registration and Identification System

Article 4k

 1. The EORI number shall be used for the identification of economic operators and other persons in their relations with the customs authorities.

The structure of the EORI number shall comply with the criteria set out in Annex 38.

 2. If the authority responsible for assigning the EORI number is not the customs authority, each Member State shall designate the authority or authorities responsible for registering economic operators and other persons and assigning them EORI numbers.

The Member State customs authorities shall communicate to the Commission the name and the address details of the authority or authorities responsible for assigning the EORI number. The Commission shall publish this information on the Internet.

3. Subject to paragraph 1, Member States may use as an EORI number a number already assigned to an economic operator or to another person by the competent authorities for tax, statistical or other purposes.

Article 4l

1. An economic operator established in the customs territory of the Community, shall be registered by the customs authority or the designated authority of the Member State in which he is established. Economic operators shall apply for registration before they start activities referred to in Article 1(12). However, economic operators who have not applied for registration may do so during their first operation.

2. In the cases referred to in Article 4k(3), Member States may waive the obligation for an economic operator or another person to apply for an EORI number.

3. Where an economic operator not established in the customs territory of the Community does not have an EORI number, he shall be registered by the customs authority or the designated authority of the Member State where he first performs one of the following:

- (a) he lodges in the Community a summary or customs declaration other than:
 - (i) a customs declaration made in accordance with Articles 225 to 238; or
 - (ii) a customs declaration made for the temporary importation procedure;
- (b) he lodges in the Community an exit or entry summary declaration;
- (c) he operates a temporary storage facility pursuant to Article 185(1);
- (d) he applies for an authorisation pursuant to Article 324a or 372;

(e) he applies for an authorised economic operator certificate pursuant to Article 14a.

4. Persons other than economic operators shall not be registered unless all the following conditions are met:

- (a) such registration is required by the legislation of a Member State;
- (b) the person has not previously been assigned an EORI number;
- (c) the person engages in operations for which an EORI number must be provided pursuant to Annex 30A or Annex 37, Title I.

5. In the case referred to in paragraph 4:

- (a) a person established in the customs territory of the Community, other than an economic operator referred to in paragraph 1, shall be registered by the customs authority or the designated authority of the Member State in which he is established;
- (b) a person not established in the customs territory of the Community, other than an economic operator referred to in paragraph 3, shall be registered by the customs authority or the designated authority of the Member State in which he is involved in activities covered by customs legislation.

6. Economic operators and other persons shall have only one EORI number.

7. For the purposes of this Chapter, Article 4(2) of the Code shall apply *mutatis mutandis* in determining whether a person is established in a Member State.

Article 4m

1. Registration and identification data of economic operators or, where appropriate, of other persons processed in the system as referred to in Article 4o shall comprise the data listed in Annex 38d subject to specific conditions laid down in Article 4o(4) and (5).

2. When registering economic operators and other persons for an EORI number, Member States may require them to submit data other than the data listed in Annex 38d where that is necessary for purposes laid down in their national laws.

3. Member States may require economic operators or, where appropriate, other persons to submit the data referred to in paragraphs 1 and 2 by electronic means.

Article 4n

The EORI number shall be used, if required, in all communications by economic operators and other persons with the customs authorities. It shall also be used for the exchange of information between customs authorities and between customs and other authorities under the conditions laid down in Articles 4p and 4q.

Article 4o

1. Member States shall cooperate with the Commission with a view to developing a central electronic information and communication system which contains the data listed in Annex 38d provided by all the Member States.

2. The customs authorities shall cooperate with the Commission to process and to exchange between customs authorities and between the Commission and customs authorities, the registration and identification data listed in Annex 38d of economic operators and other persons, by using the system referred to in paragraph 1.

Data other than the data listed in Annex 38d shall not be processed in the central system.

3. Member States shall ensure that their national systems are kept up to date, and are complete and accurate.

4. Member States shall upload on a regular basis to the central system the data listed in points 1 to 4 of Annex 38d concerning economic operators and other persons whenever new EORI numbers are assigned or changes in that data occur.

5. Member States shall also upload on a regular basis to the central system, where available in the national systems, the data listed in points 5 to 12 of Annex 38d concerning economic operators and other persons whenever new EORI numbers are assigned or changes in that data occur.

6. Only EORI numbers assigned in accordance with Article 4l(1) to (5) shall be uploaded to the central system, together with other data listed in Annex 38d.

7. Where it is established that an economic operator or a person other than an economic operator ceases the

activities referred to in Article 1(12), Member States shall reflect this in the data listed in point 11 of Annex 38d.

Article 4p

In each Member State the authority designated in accordance with Article 4k(2) shall give the customs authorities of that Member State direct access to the data referred to in Annex 38d.

Article 4q

1. In each Member State the following authorities may give each other direct access on a case-by-case basis to the data referred to in points 1 to 4 of Annex 38d that they have in their possession:

- (a) customs authorities;
- (b) veterinary authorities;
- (c) sanitary authorities;
- (d) statistical authorities;
- (e) tax authorities;
- (f) authorities responsible for the fight against fraud;
- (g) authorities responsible for trade policy, including agricultural authorities where relevant;
- (h) authorities responsible for border control.

2. The authorities referred to in paragraph 1 may store the data referred to in that paragraph or exchange the data between themselves only if such processing is necessary for the purposes of meeting their legal obligations in respect of the movement of goods concerned by a customs procedure.

3. The Member States customs authorities shall communicate to the Commission the address details of the authorities referred to in paragraph 1. The Commission shall publish this information on the Internet.

Article 4r

An EORI number and the data listed in Annex 38d shall be processed in the central system for the period of time required by the law of the Member States that uploaded the data referred to in Article 4o(4) and (5).

Article 4s

1. This Regulation leaves intact and in no way affects the level of protection of individuals with regard to the processing of personal data under the provisions of Community and national law, and in particular does not alter either the obligations of Member States relating to their processing of personal data under Directive 95/46/EC or the obligations of the Community institutions and bodies relating to their processing of personal data under Regulation (EC) No 45/2001 when fulfilling their responsibilities

2. Identification and registration data of economic operators and other persons, constituted by the set of data listed in points 1, 2 and 3 of Annex 38d may be published by the Commission on the Internet only if they have freely given specific and informed written consent. Where granted, such consent shall be communicated, in accordance with the national legislation of the Member States, to the authority or authorities of the Member States designated in accordance with Article 4k(2), or to the customs authorities.

3. The rights of persons with regard to their registration data listed in Annex 38d and processed in national systems shall be exercised in accordance with the law of the Member State which stored their personal data, and in particular, where applicable, the provisions implementing Directive 95/46/EC.

Article 4t

The national supervisory data protection authorities and the European Data Protection Supervisor, each acting within the scope of their respective competences, shall cooperate actively and ensure coordinated supervision of the system referred to in Article 4o(1).;

3. Article 181b is replaced by the following:

'Article 181b

For the purposes of this Chapter and Annex 30A:

Carrier means: the person who brings the goods, or who assumes responsibility for the carriage of the goods, into the customs territory of the Community, as referred to in Article 36b(3) of the Code. However,

— in the case of combined transportation, as referred to in Article 183b, carrier means the person who will operate

the means of transport which, after having been brought into the customs territory of the Community, will move by itself as an active means of transport,

— in the case of maritime or air traffic under a vessel sharing or contracting arrangement, as referred to in Article 183c, carrier means the person who has concluded a contract, and issued a bill of lading or air waybill, for the actual carriage of the goods into the customs territory of the Community.;

4. in Article 181c, the first paragraph is amended as follows:

(a) point (e) is replaced by the following:

'(e) goods covered by customs declarations made by any other act in accordance with Articles 230, 232 and 233, except pallets, containers, and means of road, rail, air, sea and inland waterway transport carried under a transport contract';

(b) point (g) is replaced by the following:

'(g) goods for which an oral customs declaration is permitted, in accordance with Articles 225, 227 and 229(1), except pallets, containers, and means of road, rail, air, sea and inland waterway transport carried under a transport contract';

(c) point (j) is replaced by the following:

'(j) goods carried on board vessels of regular shipping services, duly certified in accordance with Article 313b, and goods on vessels or aircraft which are carried between Community ports or airports without calling at any port or airport outside the customs territory of the Community';

(d) the following points (l) to (n) are added:

'(l) weapons and military equipment brought into the customs territory of the Community by the authorities in charge of the military defence of a Member State, in military transport or transport operated for the sole use of the military authorities;

(m) the following goods brought into the customs territory of the Community directly from drilling or production platforms operated by a person established in the customs territory of the Community;

- (i) goods which were incorporated in such platforms, for the purposes of their construction, repair, maintenance or conversion;
 - (ii) goods which were used to fit to or to equip the said platforms;
 - (iii) provisions used or consumed on the said platforms; and
 - (iv) non-hazardous waste products from the said platforms;
- (n) goods in a consignment the intrinsic value of which does not exceed EUR 22 provided that the customs authorities accept, with the agreement of the economic operator, to carry out risk analysis using the information contained in, or provided by, the system used by the economic operator.;

(e) the second paragraph is deleted;

5. Article 183 is amended as follows:

- (a) in paragraph 2, the introductory phrase is replaced by the following:

'The customs authorities shall allow the *lodging* of a paper-based entry summary declaration, or any other procedure replacing it as agreed between the customs authorities, only in one of the following circumstances:;

- (b) the following paragraphs 6 to 9 are added:

'6. The customs authorities shall notify immediately the person who lodged the entry summary declaration of its registration. Where the entry summary declaration is lodged by a person referred to in Article 36b(4) of the Code, the customs authorities shall also notify the carrier of the registration, provided that the carrier is connected to the customs system.

7. Where an entry summary declaration is lodged by a person referred to in Article 36b(4) of the Code, the customs authorities may assume, except where there is evidence to the contrary, that the carrier has given his consent under contractual arrangements and that the lodging has been made with his knowledge.

8. The customs authorities shall notify immediately the person who lodged amendments to the entry

summary declaration of the registration of such amendments. Where the amendments to the entry summary declaration are lodged by a person referred to in Article 36b(4) of the Code, the customs authorities shall also notify the carrier, provided that the carrier has requested the customs authorities to send such notifications and is connected to the customs system.

9. Where, after a period of 200 days from the date of lodging an entry summary declaration, the arrival of the means of transport has not been notified to customs in accordance with Article 184g or the goods have not been presented to customs in accordance with Article 186, the entry summary declaration shall be deemed not to have been lodged.;

6. Article 183b is replaced by the following:

'Article 183b

In the case of combined transportation, where the active means of transport entering the customs territory of the Community is only transporting another means of transport which, after entry into the customs territory of the Community, will move by itself as an active means of transport, the obligation to lodge the entry summary declaration shall lie with the operator of that other means of transport.

The time limit for lodging the entry summary declaration shall correspond to the time limit applicable to the active means of transport entering the customs territory of the Community, as specified in Article 184a.;

7. Article 183d is replaced by the following:

'Article 183d

1. Where an active means of transport entering the customs territory of the Community is to arrive first at a customs office located in a Member State that was not declared in the entry summary declaration, the operator of this means of transport or his representative shall inform the declared customs office of entry by way of a "diversion request" message. This message shall contain the particulars laid down in Annex 30A and shall be completed in accordance with the explanatory notes in that Annex. This paragraph shall not apply in the cases referred to in Article 183a.

2. The declared customs office of entry shall immediately notify the actual customs office of entry of the diversion and of the results of the safety and security risk analysis.’;

8. in Article 184a(1), point (b) is replaced by the following:

‘(b) for bulk/break bulk cargo, other than where point (c) or (d) applies, at least four hours before arrival at the first port in the customs territory of the Community’;

9. Article 184d is amended as follows:

(a) in the second subparagraph of paragraph 2, the second sentence is replaced by the following:

‘Where that analysis provides reasonable grounds for the customs authorities to consider that the introduction of the goods into the customs territory of the Community would pose such a serious threat to the safety and security of the Community that immediate intervention is required, the customs authorities shall notify the person who lodged the entry summary declaration and, where different, the carrier, provided that the carrier is connected to the customs system, that the goods are not to be loaded.’;

(b) paragraph 3 is replaced by the following:

‘3. Where goods not covered by an entry summary declaration, in accordance with Article 181c(c) to (i), (l) to (n), are brought into the customs territory of the Community, risk analysis shall be carried out upon presentation of the goods, where available on the basis of the summary declaration for temporary storage or the customs declaration covering those goods.’;

10. in Article 184e, the second and third paragraphs are replaced by the following:

‘Where a risk is identified, the customs office of the first port or airport of entry shall take prohibitive action in the case of consignments identified as posing a threat of such a serious nature that immediate intervention is required, and, in any case, pass on the results of the risk analysis to the subsequent ports or airports.

At subsequent ports or airports in the customs territory of the Community, Article 186 shall apply for goods presented to customs at that port or airport.’;

11. Article 184f is deleted;

12. in Part I, Title VI, Chapter 1, the following Section 5 is inserted:

‘Section 5

Notification of arrival

Article 184g

The operator of the active means of transport entering the customs territory of the Community or his representative shall notify the customs authorities of the first customs office of entry of the arrival of the means of transport. This notification of arrival shall contain the particulars necessary for the identification of the entry summary declarations lodged in respect of all goods carried on that means of transport. Wherever possible, available methods of notification of arrival shall be used.’;

13. Article 186 is replaced by the following:

‘Article 186

1. Non-Community goods presented to customs shall be covered by a summary declaration for temporary storage as specified by the customs authorities.

The summary declaration for temporary storage shall be lodged by or on behalf of the person presenting the goods no later than at the time of presentation. Where the summary declaration for temporary storage is lodged by a person other than the operator of the temporary storage facility, the customs authorities shall notify that operator of the declaration provided that this person is indicated in the summary declaration for temporary storage and connected to the customs system.

2. The summary declaration for temporary storage may take one of the following forms, as prescribed by the customs authorities:

(a) a reference to any entry summary declaration for the goods concerned, supplemented by the particulars of a summary declaration for temporary storage;

(b) a summary declaration for temporary storage, including a reference to any entry summary declaration for the goods concerned;

(c) a manifest or another transport document, provided that it contains the particulars of a summary declaration for temporary storage, including a reference to any entry summary declaration for the goods concerned.

3. A reference to any entry summary declaration shall not be required where the goods have already been in temporary storage or have been assigned a customs-approved treatment or use and have not left the customs territory of the Community.

4. Commercial, port or transport inventory systems may be used provided that they are approved by the customs authorities.

5. The summary declaration for temporary storage may be lodged with, or contain, the notification of arrival referred to in Article 184g.

6. For the purposes of Article 49 of the Code, the summary declaration for temporary storage shall be deemed to have been lodged at the date of presentation of the goods.

7. The summary declaration for temporary storage shall be kept by the customs authorities for the purpose of verifying that the goods to which it relates are assigned a customs-approved treatment or use.

8. A summary declaration for temporary storage shall not be required where, at the latest at the time of their presentation to customs:

(a) the goods are declared for a customs procedure or are otherwise placed under a customs-approved treatment or use; or

(b) proof that the goods have Community status is established in accordance with Articles 314b to 336.

9. When a customs declaration has been lodged at the customs office of entry as an entry summary declaration, in accordance with Article 36c of the Code, the customs authorities shall accept the declaration immediately upon the presentation of the goods, and the goods shall be placed directly under the declared procedure subject to the conditions laid down for that procedure.

10. For the purposes of paragraphs 1 to 9, where non-Community goods moved from the customs office of departure under a transit procedure are presented to

customs at an office of destination within the customs territory of the Community, the transit declaration intended for the customs authorities at the office of destination shall be deemed to be the summary declaration for temporary storage.’;

14. Article 189 is replaced by the following:

‘Article 189

Goods brought into the customs territory of the Community by sea or air which remain on board the same means of transport for carriage, without transhipment, shall be presented to customs in accordance with Article 40 of the Code only at the Community port or airport where they are unloaded or transhipped.’;

15. in Article 251(2), point (b) is replaced by the following:

‘(b) in the case of other goods, the customs office of export has been informed, in accordance with Article 792a(1), or considers, in accordance with Article 796e(2), that the goods declared have not left the customs territory of the Community.’;

16. Article 592a is amended as follows:

(a) point (e) is replaced by the following:

‘(e) goods covered by a customs declaration made by any other act in accordance with Articles 231, 232(2) and 233, except pallets, containers, and means of road, rail, air, sea and inland waterway transport carried under a transport contract’;

(b) point (g) is replaced by the following:

‘(g) goods for which an oral declaration is permitted in accordance with Articles 226, 227 and 229(2), except pallets, containers, and means of road, rail, air, sea and inland waterway transport carried under a transport contract’;

(c) point (j) is replaced by the following:

‘(j) goods carried on board vessels of regular shipping services, duly certified in accordance with Article 313b; and goods on vessels or aircraft moving between Community ports or airports without any intervening call at any port or airport outside the customs territory of the Community’;

(d) the following points (k) to (m) are added:

- ‘(k) weapons and military equipment brought out of the customs territory of the Community by the authorities in charge of the military defence of a Member State, in military transport or transport operated for the sole use of the military authorities;
- (l) the following goods brought out of the customs territory of the Community directly to drilling or production platforms operated by a person established in the customs territory of the Community:
 - (i) goods to be used for construction, repair, maintenance or conversion of such platforms;
 - (ii) goods to be used to fit or equip the said platforms;
 - (iii) provisions to be used or consumed on the said platforms;
- (m) goods in a consignment the intrinsic value of which does not exceed EUR 22 provided that the customs authorities accept, with the agreement of the economic operator, to carry out risk analysis using the information contained in, or provided by, the system used by the economic operator.’;

17. in Article 592b(1)(a), point (ii) is replaced by the following:

- ‘(ii) for bulk/break bulk cargo, other than where point (iii) or (iv) applies, at least four hours before leaving the port in the customs territory of the Community’;

18. Article 592g is replaced by the following:

‘Article 592g

Where goods covered by an exemption, under Article 592a(c) to (m), from the requirement to lodge a customs declaration by the time limits set out in Articles 592b and 592c, are brought out of the customs territory of the Community, risk analysis shall be carried out upon presentation of the goods, where available on the basis of the customs declaration covering these goods.’;

19. in Article 792a(1), the third sentence is deleted;

20. Article 792b is replaced by the following:

‘Article 792b

Articles 796da and 796e shall apply *mutatis mutandis* in cases where a paper-based export declaration has been lodged.’;

21. after Article 796d, the following Article 796da is inserted:

‘Article 796da

1. Where, after 90 days from the release of goods for export, the customs office of export has not received the “Exit results” message referred to in Article 796d(2), the customs office of export may, where needed, request the exporter or declarant to indicate the date at which and the customs office from where the goods have left the customs territory of the Community.

2. The exporter or declarant may, on his own initiative or following a request made in accordance with paragraph 1, inform the customs office of export that the goods have left the customs territory of the Community indicating the date at which and the customs office of exit from where the goods have left the customs territory of the Community and request from the customs office of export that the exit be certified. In this case, the customs office of export shall request the “Exit results” message from the customs office of exit, which shall respond within 10 days.

3. Where, in the cases referred to in paragraph 2, the customs office of exit does not confirm the exit of the goods within the time limit referred to in paragraph 2, the customs office of export shall inform the exporter or declarant.

The exporter or declarant may provide the customs office of export with evidence that the goods have left the customs territory of the Community.

4. The evidence referred to in paragraph 3 may be provided in particular by one of the following means or a combination thereof:

(a) a copy of the delivery note signed or authenticated by the consignee outside the customs territory of the Community;

(b) the proof of payment or the invoice or the delivery note duly signed or authenticated by the economic operator which brought the goods out of the customs territory of the Community;

(c) a declaration signed or authenticated by the company which brought the goods out of the customs territory of the Community;

(d) a document certified by the customs authorities of a Member State or a country outside the customs territory of the Community;

(e) economic operators records of goods supplied to oil and gas drilling and production platforms;'

22. Article 796e is replaced by the following:

'Article 796e

1. The customs office of export shall certify the exit to the exporter or declarant in the following cases:

(a) it has received an "Exit results" message from the customs office of exit;

(b) it has, in the cases referred to in Article 796da(2), received no "Exit results" message from the customs office of exit within 10 days, but is satisfied that the evidence provided in accordance with Article 796da(4) is sufficient.

2. Where the customs office of export has, after a period of 150 days from the date of release of the goods for export, received neither an "Exit results" message from the customs office of exit nor satisfactory evidence in accordance with Article 796da(4), the customs office of export may consider this as information that the goods have not left the customs territory of the Community.

3. The customs office of export shall inform the exporter or declarant and the declared customs office of exit of the invalidation of the export declaration. The customs office of export shall inform the declared customs office of exit where it has accepted evidence in accordance with paragraph 1(b);

23. Article 842a is amended as follows:

(a) point (a) is replaced by the following:

'(a) the cases listed in Article 592a(a) to (m);'

(b) point (b) is deleted;

24. in Article 842d(1), the second subparagraph is replaced by the following:

'Article 592b(2) and (3) and Article 592c shall apply mutatis mutandis;'

25. the following Article 842f is inserted:

'Article 842f

Where goods subject to an exit summary declaration have, after a period of 150 days from the date of lodging the declaration, not left the customs territory of the Community, the exit summary declaration shall be deemed not to have been lodged;'

26. Annex 30A is amended in accordance with Annex I to this Regulation;

27. Annex 37 is amended in accordance with Annex II to this Regulation;

28. Annex 38 is amended in accordance with Annex III to this Regulation;

29. Annex 38d set out in Annex IV to this Regulation is inserted.

Article 2

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 July 2009.

However, until 1 July 2010 Article 1(2), in so far as it relates to Article 4o(4) and to the data mentioned in point 4 of Annex 38d, shall apply only where those data are available in the national systems.

Article 1(2), in so far as it relates to Article 4o(1), shall apply from the date of entry into force of this Regulation.

A Member State may apply Article 1(2), in so far as it relates to Article 4l, before 1 July 2009. In that case, it shall notify the date of application to the Commission. The Commission shall publish that information.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 April 2009.

For the Commission
László KOVÁCS
Member of the Commission

ANNEX I

Annex 30A is amended as follows:

1. Section 1 is amended as follows:

(a) in note 1.1, the following sentence is added:

'The diversion request that needs to be made where an active means of transport entering the customs territory of the Community is to arrive first at a customs office located in a Member State that was not declared in the entry summary declaration contains the information detailed in Table 6.';

(b) note 1.2 is replaced by the following:

'1.2. Tables 1 to 7 include all data elements necessary for the procedures, declarations and diversion requests concerned. They provide comprehensive views of the requirements necessary for the various procedures, declarations and diversion requests.';

(c) note 1.6 is replaced by the following:

'1.6. The descriptions and notes contained in Section 4 in respect of entry and exit summary declaration, of simplified procedures and of diversion requests apply to the data elements referred to in Tables 1 to 7.';

(d) in note 2.1, second paragraph, 'Table 6' is replaced by 'Table 7';

(e) in note 2.2, second paragraph, 'Table 6' is replaced by 'Table 7';

(f) in note 3.1, second paragraph, 'Table 6' is replaced by 'Table 7';

(g) in note 3.2, second paragraph, 'Table 6' is replaced by 'Table 7';

(h) note 4.1 is replaced by the following:

'4.1. The columns "Exit summary declaration — Express consignments" and "Entry summary declaration — Express consignments" of Table 2 cover the required data which shall be provided electronically to customs authorities for risk-analysis purposes prior to departure or arrival of express consignments. Postal services may choose to provide electronically the data contained in those columns of Table 2 to customs authorities for risk-analysis purposes prior to departure or arrival of postal consignments.';

(i) note 4.2 is replaced by the following:

'4.2. For the purposes of this Annex, an express consignment means an individual item carried via an integrated service of expedited/time-definite collection, transport, customs clearance and delivery of parcels whilst tracking the location of, and maintaining control over such items throughout the supply of the service.';

(j) note 4.3 is replaced by the following:

'4.3. For the purpose of this Annex, a postal consignment means an individual item of a maximum weight of 50 kg, conveyed via the postal system in accordance with the rules of the Universal Postal Union Convention, when the goods are carried by or on behalf of holders of rights and obligations under such rules.';

(k) in note 5.1, 'Table 6' is replaced by 'Table 7';

2. Section 2 is amended as follows:

- (a) in point 2.1, in Table 1, between the rows 'Country(ies) of routing codes' and 'Customs office of exit', the following row is inserted:

'Mode of transport at the border'		Z'
-----------------------------------	--	----

- (b) in point 2.2, Table 2 is amended as follows:

- (i) in the second column, the heading 'Exit summary declaration — Postal and express consignments (See notes 3.1 and 4.1 to 4.3)' is replaced by 'Exit summary declaration — Express consignments (See notes 3.1 and 4.1 to 4.3)';
- (ii) in the fourth column, the heading 'Entry summary declaration — Postal and express consignments (See notes 2.1 and 4.1 to 4.3)' is replaced by 'Entry summary declaration — Express consignments (See notes 2.1 and 4.1 to 4.3)';

- (iii) between the rows 'Carrier' and 'Country(ies) of routing codes', the following rows are inserted:

'Conveyance reference number'			Z
Date and time of arrival at first place of arrival in customs territory			Z'

- (iv) between the rows 'Country(ies) of routing codes' and 'Customs office of exit', the following row is inserted:

'Mode of transport at the border'			Z'
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- (c) in point 2.3, in Table 3, between the rows 'Country(ies) of routing codes' and 'Place of loading', the following row is inserted:

'Mode of transport at the border'	Z'
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- (d) in point 2.4, in Table 4, between the rows 'Country(ies) of routing codes' and 'Place of loading', the following row is inserted:

'Mode of transport at the border'	Z'
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- (e) in point 2.5, Table 5 is amended as follows:

- (i) between the rows 'Country(ies) of routing codes' and 'Customs office of exit', the following row is inserted:

'Mode of transport at the border'		Z'
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- (ii) between the rows 'Equipment identification number, if containerised' and 'Commodity code', the following row is inserted:

'Goods item number'	X	X'
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- (f) the following point 2.6 is inserted:

‘2.6. Requirements for diversion requests — Table 6

Name	
Mode of transport at the border	Z
Identification of means of transport crossing the border	Z
Date and time of arrival at first place of arrival in Customs territory	Z
Country code of the declared first office of entry	Z
Person requesting the diversion	Z
MRN	X
Goods item number	X
First place of arrival code	Z
Actual first place of arrival code	Z'

3. in Section 3, in the heading ‘Requirements for simplified procedures’, ‘Table 6’ is replaced by ‘Table 7’;
4. Section 4, Data elements explanatory notes, is amended as follows:
 - (a) before the data element explanatory note ‘Declaration’, the following is inserted:

‘MRN

Diversion request: The Movement reference number is an alternative to the following two data elements:

 - Identification of the means of transport crossing the border,
 - Date and time of arrival at first place of arrival in customs territory.’;
 - (b) in the data element explanatory note ‘Transport document number’, the first paragraph is replaced by the following:

‘Reference of the transport document that covers the transport of goods into or out of the customs territory. Where the person lodging the entry summary declaration is different from the carrier, the transport document number of the carrier shall also be provided.’;
- (c) the data element explanatory note ‘Consignor’ is amended as follows:
 - (i) footnote 2 is deleted;
 - (ii) the second paragraph is replaced by the following:

‘Exit summary declarations: This information must be provided when it is different from the person lodging the summary declaration; this information takes the form of the consignor EORI number whenever this number is available to the person lodging the summary declaration. Where the particulars required for an exit summary declaration are included in a customs declaration in accordance with Article 182b(3) of the Code and with Article 216 of this Regulation, this information corresponds to the “Consignor/Exporter” of that customs declaration.

Entry summary declarations: this information takes the form of the consignor EORI number whenever this number is available to the person lodging the summary declaration.’;
- (d) the data element explanatory note ‘Consignor/exporter’ is amended as follows:
 - (i) footnote 2 is deleted;

- (ii) after the first paragraph, the following paragraph is inserted:

‘Enter the EORI number referred to in Article 1(16). Where the consignor/exporter does not have an EORI number, the customs administration may assign him an ad hoc number for the declaration concerned.’;

- (e) the data element explanatory note ‘*Person lodging the summary declaration*’ is amended as follows:

- (i) footnote 1 is deleted;

- (ii) after the words ‘*Person lodging the summary declaration*’, the following paragraph is inserted:

‘This information takes the form of the person lodging the summary declaration EORI number.’;

- (f) between the data element explanatory note ‘*Person lodging the summary declaration*’ and the data element explanatory note ‘*Consignee*’, the following is inserted:

‘*Person requesting the diversion*

Diversion request: The person making the request for a diversion at entry. This information takes the form of the EORI number of the person requesting the diversion.’;

- (g) the data element explanatory note ‘*Consignee*’ is amended as follows:

- (i) footnote 1 is deleted;

- (ii) after the table, the following paragraph is inserted:

‘Where this information must be provided, it takes the form of the consignee EORI number whenever this number is available to the person lodging the summary declaration.’;

- (iii) after the paragraph beginning with ‘exit summary declarations’, the following paragraph is added:

‘It takes the form of the consignee EORI number whenever this number is available to the person lodging the summary declaration.’;

- (h) the data element explanatory note ‘*Declarant/representative*’ is amended as follows:

- (i) footnote 1 is deleted;

- (ii) after the first paragraph, the following sentence is added:

‘This information takes the form of the declarant/representative EORI number.’;

- (i) the data element explanatory note ‘*Carrier*’ is replaced by the following:

‘*Carrier*

This information shall be provided where it is different from the person lodging the entry summary declaration.

This information takes the form of the carrier EORI number whenever this number is available to the person lodging the summary declaration. However, in situations covered by Article 183(6) and (8), the EORI number of the carrier shall be provided. The EORI number of the carrier shall also be provided in situations covered by Article 184d(2).’;

- (j) the data element explanatory note ‘*Notify party*’ is amended as follows:

- (i) footnote 1 is deleted;

(ii) after the first paragraph, the following sentence is added:

'This information takes the form of the notify party EORI number whenever this number is available to the person lodging the summary declaration.';

(k) in the data element explanatory note '*Identity and nationality of active means of transport crossing the border*', the first paragraph is replaced by the following:

'Identity and nationality of active means of transport crossing the border of the customs territory of the Community. The definitions provided for in Annex 37 for SAD box 18 shall be used for identity. Where sea and inland waterways transport is concerned, the IMO ship identification number or unique European Vessel Identification Number (ENI) shall be declared. Where air transport is concerned, no information should be provided.

The codes provided for in Annex 38 for SAD box 21 shall be used for nationality where this information is not yet included in the identity.';

(l) between the data element explanatory note '*Identity and nationality of active means of transport crossing the border*' and the data element explanatory note '*Conveyance reference number*', the following is inserted:

'Identification of means of transport crossing the border

Diversion request: This information shall take the form of the IMO ship identification number, the ENI code or the IATA flight number for sea, inland waterways or air transport respectively.

For air transport, in situations where the operator of the aircraft transports goods under a code-share arrangement with partners, the code-share partners' flight numbers shall be used.';

(m) in the data element explanatory note '*Conveyance reference number*', the first paragraph is replaced by the following:

'Identification of the journey of the means of transport, for example voyage number, flight number, trip number, if applicable.

For air transport, in situations where the operator of the aircraft transports goods under a code-share arrangement with partners, the code-share partners' flight numbers shall be used.';

(n) in the data element explanatory note '*First place of arrival code*', the following paragraph is added:

Diversion request: the code of the declared customs office of first entry must be provided.';

(o) between the data element explanatory note '*First place of arrival code*' and the data element explanatory note '*Date and time of arrival at first place of arrival in customs territory*', the following is inserted:

'Actual first place of arrival code

Diversion request: the code of the actual customs office of first entry must be provided.

Country code of the declared first office of entry

Diversion request: Codes provided for in Annex 38 for SAD box 2 shall be used.';

(p) in the data element explanatory note '*Date and time of arrival at first place of arrival in customs territory*', the following paragraph is added:

Diversion request: This information shall be limited to the date; code n8 (CCYYMMDD) shall be used.';

- (q) in the data element explanatory note '*Country(ies) of routing codes*', the second and third paragraphs are replaced by the following:

'Exit express consignments summary declarations' — postal consignments: only the country of final destination of the goods shall be provided.

'Entry express consignments summary declarations' — postal consignments: only the country of original departure of the goods shall be provided.;

- (r) between the data element explanatory note '*Currency code*' and the data element explanatory note '*Customs office of exit*', the following is inserted:

'Mode of transport at the border

'Entry summary declaration: Mode of transport corresponding to the active means of transport in which the goods are expected to enter the customs territory of the Community. In the case of combined transportation, the rules set out in Annex 37 explanatory note for box 21 shall apply.

Where air cargo is transported on modes of transport other than air, the other mode of transport shall be declared.

Codes 1, 2, 3, 4, 7, 8 or 9 as provided for in Annex 38 for SAD box 25 shall be used.

[Ref.: SAD box 25].;

- (s) in the data element explanatory note '*Customs office of exit*', the second paragraph is replaced by the following:

'Exit express consignments summary declarations' — postal consignments: this element does not need to be provided where it can be deduced automatically and unambiguously from other data elements provided by the trader.;

- (t) in the data element explanatory note '*Place of loading*', the second paragraph is replaced by the following:

'Entry express consignments summary declarations' — postal consignments: this element does not need to be provided where it can be deduced automatically and unambiguously from other data elements provided by the trader.;

- (u) in the data element explanatory note '*Goods item number*', the first paragraph is replaced by the following:

'Number of the item in relation to the total number of items contained in the declaration, the summary declaration or the diversion request.

'Diversion request: where the MRN is provided and the diversion request does not concern all items of goods of an entry summary declaration, the person requesting the diversion shall provide the relevant item numbers attributed to the goods in the original entry summary declaration.'

ANNEX II

Annex 37, Title II, is amended as follows:

1. Section A is amended as follows:

- (a) in box 2: Consignor/Exporter, the first paragraph is replaced by the following:

'Enter the EORI number referred to in Article 1(16). Where the consignor/exporter does not have an EORI number, the customs administration may assign him an ad hoc number for the declaration concerned.';

- (b) in box 8: Consignee, the second paragraph is replaced by the following:

'Where an identification number is required, enter the EORI number referred to in Article 1(16). If an EORI number has not been assigned to the consignee, enter the number required by the legislation of the Member State concerned.';

- (c) in box 14: Declarant/Representative, the first paragraph is replaced by the following:

'Enter the EORI number referred to in Article 1(16). Where the declarant/representative does not have an EORI number, the customs administration may assign him an ad hoc number for the declaration concerned.';

- (d) in box 50: Principal, the first sentence is replaced by the following:

'Enter the full name (person or company) and address of the principal, together with the EORI number referred to in Article 1(16). Where the EORI number is provided, Member States may waive the obligation to provide the full name (person or company) and address.';

2. Section C is amended as follows:

- (a) in box 2: Consignor/Exporter, the third paragraph is replaced by the following:

'Where an identification number is required, enter the EORI number referred to in Article 1(16). If an EORI number has not been assigned to the consignor/exporter, enter the number requested by the legislation of the Member State concerned.';

- (b) in box 8: Consignee, the first paragraph is replaced by the following:

'Enter the EORI number referred to in Article 1(16). Where the consignee does not have an EORI number, the customs administration may assign him an ad hoc number for the declaration concerned.';

- (c) in box 14: Declarant/Representative, the first paragraph is replaced by the following:

'Enter the EORI number referred to in Article 1(16). Where the declarant/representative does not have an EORI number, the customs administration may assign him an ad hoc number for the declaration concerned.'

ANNEX III

Annex 38, Title II, is amended as follows:

1. the text of box 2: Consignor/Exporter is replaced by the following:

‘Where an identification number is required, the EORI number shall be used. It is structured as follows:

Field	Content	Field type	Format	Examples
1	Identifier of the Member State assigning the number (ISO alpha 2 country code)	Alphabetic 2	a2	PL
2	Unique identifier in a Member State	Alphanumeric 15	an..15	1234567890ABCDE

Example: ‘PL1234567890ABCDE’ for a Polish exporter (country code: PL) whose unique national EORI number is ‘1234567890ABCDE’.

Country code: the Community’s alphabetical codes for countries and territories are based on the current ISO alpha 2 codes (a2) in so far as they are compatible with the requirements of Council Regulation (EC) No 1172/95 of 22 May 1995 on the statistics relating to the trading of goods by the Community and its Member States with non-member countries (*). The Commission regularly publishes regulations updating the list of country codes.

(*) OJ L 118, 25.5.1995, p. 10.;

2. the text of box 8: Consignee is replaced by the following:

‘Where an identification number is required, the EORI number, structured as specified in the description for box 2, shall be used.’;

3. in box 14: Declarant/Representative, point (b) is amended as follows:

- (a) the first sentence is replaced by the following:

‘Where an identification number is required, the EORI number, structured as specified in the description for box 2, shall be used.’;

- (b) the second sentence is deleted;

4. the following box 50 is inserted after box 49:

‘Box 50: Principal

Where an identification number is required, the EORI number, structured as specified in the description for box 2, shall be used.’

ANNEX IV

'ANNEX 38d

(referred to in Article 4o)

Data processed in the central system provided for in Article 4o(1)

1. EORI number as referred to in Article 1(16).
 2. Full name of the person.
 3. Address of establishment/address of residence: the full address of the place where the person is established/resides, including the identifier of the country or territory (ISO alpha 2 country code, if available, as defined in Annex 38, Title II, box 2).
 4. VAT identification number(s), where assigned by Member States.
 5. Where appropriate, the legal status as mentioned in the document of establishment.
 6. Date of establishment or, in the case of a natural person, date of birth.
 7. Type of person (natural person, legal person, association of persons as referred to in Article 4(1) of the Code) in a coded form. The relevant codes are given below:
 - (1) Natural person
 - (2) Legal person
 - (3) Association of persons as referred to in Article 4(1) of the Code
 8. Contact information: contact person name, address and any of the following: telephone number, fax number, e-mail address.
 9. In the case of a person not established in the customs territory of the Community: identification number(s), where assigned to the person concerned for customs purposes by the competent authorities in a third country with which an Agreement on Mutual Administrative Assistance in customs matters is in force. This identification number(s) shall include the identifier of the country or territory (ISO alpha 2 country code, if available, as defined in Annex 38, Title II, box 2).
 10. Where appropriate, principal economic activity code at 4 digit level in accordance with the Statistical Classification of Economic Activities in the European Community (NACE) listed in the business register of the Member State concerned.
 11. Expiry date of the EORI number, where applicable.
 12. Consent, if given, to disclosure of personal data listed in points 1, 2 and 3.'
-

COMMISSION REGULATION (EC) No 313/2009**of 16 April 2009****amending Regulation (EC) No 1580/2007 as regards the trigger levels for additional duties on cucumbers and cherries, other than sour cherries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 143(b) thereof, in conjunction with Article 4,

Whereas:

- (1) Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾ provides for surveillance of imports of the products listed in Annex XVII thereto. That surveillance is to be carried out in accordance with the rules laid down in Article 308d of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾.

- (2) For the purposes of Article 5(4) of the Agreement on Agriculture ⁽⁴⁾ concluded during the Uruguay Round of multilateral trade negotiations and in the light of the latest data available for 2006, 2007 and 2008, the trigger levels for additional duties of cucumbers and cherries, other than sour cherries should be adjusted.

- (3) As a result, Regulation (EC) No 1580/2007 should be amended accordingly.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XVII to Regulation (EC) No 1580/2007 is replaced by the text set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 May 2009.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 April 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 336, 23.12.1994, p. 22.

ANNEX

‘ANNEX XVII

ADDITIONAL IMPORT DUTIES: TITLE IV, CHAPTER II, SECTION 2

Without prejudice to the rules governing the interpretation of the combined nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015	0702 00 00	Tomatoes	— 1 October to 31 May	594 495
78.0020			— 1 June to 30 September	108 775
78.0065	0707 00 05	Cucumbers	— 1 May to 31 October	19 309
78.0075			— 1 November to 30 April	17 223
78.0085	0709 90 80	Artichokes	— 1 November to 30 June	16 421
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	65 893
78.0110	0805 10 20	Oranges	— 1 December to 31 May	700 277
78.0120	0805 20 10	Clementines	— 1 November to end of February	385 569
78.0130	0805 20 30 0805 20 50 0805 20 70 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	95 620
78.0155	0805 50 10	Lemons	— 1 June to 31 December	335 735
78.0160			— 1 January to 31 May	64 586
78.0170	0806 10 10	Table grapes	— 21 July to 20 November	89 754
78.0175	0808 10 80	Apples	— 1 January to 31 August	876 665
78.0180			— 1 September to 31 December	106 465
78.0220	0808 20 50	Pears	— 1 January to 30 April	257 327
78.0235			— 1 July to 31 December	37 316
78.0250	0809 10 00	Apricots	— 1 June to 31 July	4 199
78.0265	0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	133 425
78.0270	0809 30	Peaches, including nectarines	— 11 June to 30 September	39 144
78.0280	0809 40 05	Plums	— 11 June to 30 September	7 658'

COMMISSION REGULATION (EC) No 314/2009**of 16 April 2009****adopting temporary exceptional support measure for the pigmeat and beef market in form of a disposal scheme in part of the United Kingdom**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products ('Single CMO' Regulation) ⁽¹⁾, and in particular Article 191, in conjunction with Article 4 thereof,

Whereas:

(1) Following the recent findings of elevated levels of dioxins and polychlorinated biphenyls (PCBs) in pigmeat originating in Ireland, the situation of the pigmeat market in Ireland and Northern Ireland has been particularly critical. The competent authorities have taken various measures to address the situation.

(2) Contaminated animal feed was delivered to pig and cattle farms in Ireland. The contaminated feed constitutes a very large portion of the pig diet resulting in elevated levels of dioxins in meat from pigs from the affected farms. Given the difficulties in tracing back the pigmeat to farms and given the elevated levels of dioxin found in the affected pigmeat, the Irish authorities decided to recall, as a precautionary measure, all pigmeat and pigmeat products from the market.

(3) Given the exceptional circumstances and the practical difficulties that the pigmeat market in Ireland and Northern Ireland is experiencing, the Commission adopted Regulation (EC) No 1278/2008 of 17 December 2008 adopting emergency support measures for the pigmeat market in form of private storage aid in Ireland ⁽²⁾ and Regulation (EC) No 1329/2008 of 22 December 2008 adopting emergency support measures for the pigmeat market in form of private storage aid in part of the United Kingdom ⁽³⁾.

(4) Furthermore, the European Council of 11 and 12 December 2008 invited the Commission to support

farmers and slaughterhouses in Ireland by way of co-financed measures to remove relevant animals and products from the market.

(5) In this context, Commission Regulation (EC) No 94/2009 of 30 January 2009 adopting temporary exceptional support measures for the pigmeat and beef market in the form of a disposal scheme for Ireland ⁽⁴⁾ provides for a disposal scheme of certain pigs and cattle that come from farms that had used contaminated feed as well as for pigmeat products that are blocked in or under the responsibility of slaughterhouses in Ireland.

(6) In addition to this, the Commission decided on 23 December 2008 not to raise objections against a State aid scheme concerning special measures relating to meat products of animal origin from pigs following a dioxin contamination in Ireland ⁽⁵⁾ (hereinafter 'State aid scheme N 643/2008'). That scheme provides, under certain conditions, compensation for pigmeat recalled from other Member States.

(7) A considerable part of the pigs slaughtered in Northern Ireland originate from Ireland. In this respect, the feed contamination in Ireland has clearly also repercussions for the pigmeat market in Northern Ireland. However, only pigmeat obtained from pigs slaughtered in Ireland is eligible for compensation under State aid scheme N 643/2008, thereby excluding from compensation under that scheme any meat obtained from pigs slaughtered in Northern Ireland.

(8) The beef sector in Northern Ireland was also affected by the feed contamination in Ireland. In particular, according to the UK authorities, it is established that contaminated feed had been delivered to some cattle farms in Northern Ireland. As a result, certain cattle remain blocked on farms in Northern Ireland where samples from other cattle have tested positive for elevated levels of dioxins and polychlorinated biphenyls (PCBs). Moreover, a certain quantity of beef obtained from animals slaughtered in Northern Ireland no later than 6 December 2008 and which is stored in the United Kingdom, originated from herds where samples from other cattle in these herds had tested positive for elevated levels of dioxins and polychlorinated biphenyls (PCBs).

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 339, 18.12.2008, p. 78.

⁽³⁾ OJ L 345, 23.12.2008, p. 56.

⁽⁴⁾ OJ L 29, 31.1.2009, p. 41.

⁽⁵⁾ OJ C 36, 13.2.2009, p. 2.

- (9) At farm level in Northern Ireland, the feed contamination and the application of the controls prohibiting the cattle concerned from entering the food chain to mitigate potential risks to public health have created a situation whereby the continuation of their business activities is seriously at risk. In addition, animal welfare problems persist as the cattle concerned have become excessively heavy. Moreover, some farmers concerned are having considerable financial difficulties maintaining their credit for feed.
- (10) The United Kingdom has therefore requested the Commission to provide further emergency support measures for the pigmeat and beef market in Northern Ireland.
- (11) Section I of Chapter II of Part II of Regulation (EC) No 1234/2007 provides for exceptional support measures. In particular Article 44 thereof provides that the Commission may adopt exceptional market support measures in case of animal diseases and Article 45 provides that, with regard to the poultrymeat and eggs sectors, the Commission may adopt exceptional market support measures in order to take account of serious market disturbances directly attributed to a loss in consumer confidence due to public health, or animal health risks. In order to resolve the practical problems arising from the current situation of the pigmeat and beef market in Northern Ireland, it is appropriate to take a temporary exceptional measure to support that market, similar to those laid down in Section I of Regulation (EC) No 1234/2007 and similar to those adopted for Ireland under Regulation (EC) No 94/2009.
- (12) That exceptional market support measure should be in the form of a disposal scheme of certain cattle that are blocked on farms in Northern Ireland where samples from other cattle have tested positive for elevated levels of dioxins and polychlorinated biphenyls (PCBs). Furthermore, it is appropriate to provide for a disposal scheme of beef and pigmeat products that are blocked in or under the responsibility and control of slaughterhouses in the United Kingdom, and for which it is uncertain to what extent these products have come from cattle or pigs that came from farms that used contaminated feed.
- (13) That exceptional market support measure should therefore address the escalating animal health and welfare risks, and at the same time remove the possibility that products from animals that may contain elevated levels of contamination enter the food or feed chain. Moreover, that measure should avoid that the beef and pigmeat market in Northern Ireland would be at a distinct competitive disadvantage compared to that in Ireland, given the eligibility conditions for the disposal scheme under Regulation (EC) No 94/2009 and those under State aid scheme N 643/2008.
- (14) That exceptional market support measure should be partly financed by the Community. The contribution of the Community in the compensation should be expressed as maximum average amounts per animal or tonne of beef or pigmeat, for a limited quantity of the products concerned, while the competent authorities should be required to determine the compensation price and thus the amount of the part-financing based on the market value of the animals and the products compensated for within specified limits.
- (15) The competent authorities should apply all controls and surveillance measures required for the proper application of the exceptional measure provided for in this Regulation and inform the Commission accordingly.
- (16) Given that for reasons of animal welfare, public health and market supply, the competent authorities had to start the disposal of the animals as well as of the products concerned as of 14 February 2009, date of the United Kingdom request, it is necessary to provide that this Regulation should apply as of that date.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,
- HAS ADOPTED THIS REGULATION:
- Article 1*
- Scope**
1. An exceptional market support measure for part of the United Kingdom is hereby introduced in the form of a disposal scheme for:
- (a) cattle that remain since 6 December 2008 on farms in Northern Ireland where samples from other cattle have tested positive for elevated levels of dioxins and polychlorinated biphenyls (PCBs);
- (b) fresh, chilled or frozen beef which is coming from animals slaughtered in Northern Ireland no later than 6 December 2008 and which is stored in Northern Ireland and coming from herds where samples from other cattle in these herds have tested positive for elevated levels of dioxins and polychlorinated biphenyls (PCBs);

(c) fresh, chilled or frozen pigmeat which is coming from animals that originated from Ireland and that had been slaughtered in Northern Ireland no later than 6 December 2008. That pigmeat is stored in the United Kingdom:

(i) in the slaughterhouse; or

(ii) outside the slaughterhouse, under the responsibility and the control of the slaughterhouse, subject to the slaughterhouse demonstrating to the satisfaction of the competent authorities.

Article 2

Disposal of animals and meat

1. The competent authorities of the United Kingdom are authorised to compensate for the disposal of the animals and the meat referred to in Article 1, with a view to the slaughtering and full destruction of these animals and their relevant by-products and the destruction of the meat in compliance with the relevant veterinary legislation.

The destruction of live animals shall be accomplished by delivery to a slaughterhouse followed, after counting and weighing, by transport of all carcasses to a rendering plant, where all materials shall be rendered.

Where animals are unfit for transport to a slaughterhouse, the animals may be killed on farm.

Destruction of meat will be effected after weighing and transport to a rendering plant, where all materials shall be rendered.

These operations shall be carried out under the permanent supervision of the competent authorities, using standardised checklists incorporating weighing and counting sheets.

2. The compensation to be paid by the competent authorities for the disposal of the animals referred to in Article 1(a) and of the products referred to in points (b) and (c) of that Article shall not exceed the market value of the animals and products concerned at the moment prior to the decision of Ireland to recall, as a precautionary measure, all pigmeat and pigmeat products from the market.

In order to avoid any over-compensation, the compensation paid by the competent authorities shall take into account any other type of compensation to which the suppliers of animals or slaughterhouses may be entitled to.

3. The compensation for the products to be disposed of under this Regulation shall be paid by the competent authorities after the reception of the products by the rendering plant and after controls in accordance with Article 4(1)(c). Compensation

paid under this Regulation by the competent authorities shall be eligible for Community part-financing after the full destruction of the products concerned has been established on the basis of all necessary documentary and physical checks.

Point (a) of the third subparagraph of Article 5(1) of Commission Regulation (EC) No 883/2006 ⁽¹⁾ shall apply *mutatis mutandis*.

Only expenditure declared in respect of July 2009 at the latest shall be eligible for Community part-financing.

Article 3

Financing

1. For each fully destroyed animal and meat, the Community shall provide part-financing equivalent to 50 % of the expenditure incurred under Article 2(1). That part-financing shall be equivalent to not more than a maximum average amount of:

(a) EUR 468,62 per head for not more than 5 196 cattle;

(b) EUR 3 150,00 per tonne of beef for not more than 40 tonnes of beef;

(c) EUR 1 133,50 per tonne of pigmeat for not more than 1 034 tonnes of pigmeat.

2. The competent authorities shall determine the amount of the part-financing per animal and meat product compensated based on the market value referred to in Article 2(2) and respecting the maximum average amounts set out in paragraph 1 of this Article.

3. No later than 31 August 2009, the United Kingdom shall notify the Commission the total compensatory expenditures, by indicating the number and categories of cattle as well as the volume and types of beef and pigmeat that has been disposed of under this Regulation.

⁽¹⁾ OJ L 171, 23.6.2006, p. 1.

4. If it is established that the beneficiary of the amount paid under Article 2(3) has also received compensation under an insurance policy or compensation paid by a third party, the United Kingdom shall recover that amount and credit 50 % of it to the European Agricultural Guarantee Fund as a deduction of the corresponding expenditure. If the amount paid under Article 2(3) was higher than the compensation received, the United Kingdom shall recover an amount equal to that compensation.

Article 4

Controls and communication

1. The United Kingdom shall adopt all measures necessary to ensure proper application of this Regulation, in particular by:

- (a) ensuring that none of the products compensated for under Article 2 enter the food or feed chain by envisaging appropriate on-the-spot supervision, denaturing agents as appropriate and seals on transports;
- (b) performing at least once per calendar month, administrative and accounting controls at each participating rendering plant to ensure that all carcasses, beef and pigmeat delivered since the beginning of the scheme or since the last such control have been rendered;
- (c) in respect of fresh, chilled or frozen beef and pigmeat stored at locations other than slaughterhouses, as referred to in Article 1(c)(ii), performing an on-the-spot inventory control to establish the beef and pigmeat quantity deriving from animals slaughtered no later than 6 December 2008, ensuring that such beef and pigmeat is secure, easily identifiable and kept apart physically from other stocks, and that removal operations are subject to the necessary identification and weighing controls;
- (d) providing for on-the-spot controls and detailed reports on those controls indicating in particular:
 - (i) the age-span, classification and total number of animals transported from the farm, the date and time of their transport to and arrival at a slaughterhouse;
 - (ii) the quantities of carcasses transported under seal from the slaughterhouse and received at the rendering plant, animal movement permit and seal numbers;

(iii) in case of slaughtering on farm as referred to in the third subparagraph of Article 2(1), the number of animals slaughtered on farm, the number of carcasses transported under seal from the farm and the quantity received at the rendering plant, animal movement permit and seal numbers;

(iv) for each beef and pigmeat product, the date of slaughter of the animal from which the product was obtained and a weight protocol of that product; and in respect of fresh, chilled or frozen beef and pigmeat stored in locations other than slaughterhouses, the location and steps taken to ensure the security of the product concerned during storage and removal;

(v) the quantities and classification of beef and pigmeat product transported under seal from the point of collection and received at the rendering plant, movement permit and seal numbers;

(vi) the aspects, registers and documents checked pursuant to the control required under point (b) above, and at least a daily summary of the quantities of carcasses, beef and pigmeat entering the rendering plant, the corresponding dates of rendering and quantities rendered.

2. The United Kingdom shall send to the Commission:

- (a) as soon as possible after the entry into force of this Regulation, a description of its implemented control and reporting arrangements for all operations involved;
- (b) no later than 30 April 2009 a detailed report on the controls undertaken under paragraph 1.

Article 5

Intervention measure

The measures taken under this Regulation shall be considered to be intervention measures to regulate agricultural markets within the meaning of Article 3(1)(b) of Council Regulation (EC) No 1290/2005 ⁽¹⁾.

⁽¹⁾ OJ L 209, 11.8.2005, p. 1.

*Article 6***Entry into force and application**

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

It shall apply from 14 February 2009.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 April 2009.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

DIRECTIVES

COMMISSION DIRECTIVE 2009/36/EC

of 16 April 2009

amending Council Directive 76/768/EEC, concerning cosmetic products, for the purpose of adapting Annex III thereto to technical progress

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products ⁽¹⁾, and in particular Article 8(2) thereof,

After consulting the Scientific Committee on Consumer Products,

Whereas:

dye substances final opinions have already been given by the SCCP. Therefore, definitive regulation of these hair dye substances, on the basis of such evaluations, can take place.

(5) Directive 76/768/EEC should therefore be amended accordingly.

(6) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Cosmetic Products,

HAS ADOPTED THIS DIRECTIVE:

(1) Following the publication of a scientific study in 2001, entitled 'Use of permanent hair dyes and bladder cancer risk', the Scientific Committee on Cosmetic Products and Non-Food Products intended for Consumers, currently the Scientific Committee on Consumer Products (hereinafter SCCP) ⁽²⁾, concluded that the potential risks were of concern. It recommended that the Commission take further steps to control the use of hair dye substances.

(2) The SCCP further recommended an overall safety assessment strategy for hair dye substances including the requirements for testing substances used in hair dye products for their potential genotoxicity/mutagenicity.

(3) Following the opinions of the SCCP, the Commission, together with Member States and stakeholders, agreed on an overall strategy to regulate substances used in hair dye products, according to which the industry was required to submit files containing the scientific data on hair dye substances to be evaluated by the SCCP.

(4) Substances for which updated safety files were submitted are currently being evaluated by the SCCP. For 17 hair

Article 1

Annex III to Directive 76/768/EEC is amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 15 November 2009 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply the provisions set out in the Annex to this Directive from 15 May 2010.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

⁽¹⁾ OJ L 262, 27.9.1976, p. 169.

⁽²⁾ The name of the committee was changed by Commission Decision 2004/210 (OJ L 66, 4.3.2004, p. 45).

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 16 April 2009.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX

Directive 76/768/EEC is amended as follows:

1. In Part 1 of Annex III the following reference numbers 189 - 205 are added:

Reference number	Substance	Restrictions			Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Maximum authorized concentration in the finished cosmetic product	Other limitations and requirements	
a	b	c	d	e	f
'189	Trisodium 5-hydroxy-1-(4-sulphophenyl)-4-(4-sulphophenylazo)pyrazole-3-carboxylate and aluminium lake ⁽¹⁵⁾ Acid Yellow 23 CAS 1934-21-0 EINECS 217-699-5 Acid Yellow 23 Aluminum lake CAS 12225-21-7 EINECS 235-428-9 CI 19140	Hair dye substance in non-oxidative hair dye products	0,5 %		
190	Benzenemethanaminium, N-ethyl-N-[4-[[4-[ethyl-[(3-sulphophenyl)-methyl]-amino]-phenyl] [2-sulphophenyl)-methylene]-2,5-cyclohexadien-1-ylidene]-3-sulfo, inner salt, disodium salt and its ammonium and aluminium salts ⁽¹⁵⁾ Acid Blue 9 CAS 3844-45-9 EINECS 223-339-8 Acid Blue 9 Ammonium salt CAS 2650-18-2 EINECS 220-168-0 Acid Blue 9 Aluminum lake CAS 68921-42-6 EINECS 272-939-6 CI 42090	Hair dye substance in non-oxidative hair dye products	0,5 %		

a	b	c	d	e	f
191	Disodium 6-hydroxy-5-[(2-methoxy-4-sulphonato-m-tolyl)azo]naphthalene-2-sulphonate ⁽¹⁵⁾ Curry Red CAS 25956-17-6 EINECS 247-368-0 CI 16035	Hair dye substance in non-oxidative hair dye products	0,4 %		
192	Trisodium 1-(1-naphthylazo)-2-hydroxynaphthalene-4',6,8-trisulphonate and aluminium lake ⁽¹⁵⁾ Acid Red 18 CAS 2611-82-7 EINECS 220-036-2 Acid Red 18 Aluminum lake CAS 12227-64-4 EINECS 235-438-3 CI 16255	Hair dye substance in non-oxidative hair dye products	0,5 %		
193	Hydrogen 3,6-bis(diethylamino)-9-(2,4-disulphonatophenyl)xanthylium, sodium salt ⁽¹⁵⁾ Acid Red 52 CAS 3520-42-1 EINECS 222-529-8 CI 45100	(a) Hair dye substance in oxidative hair dye products (b) Hair dye substance in non-oxidative hair dye products	(b) 0,6 %	(a) After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 1,5 %.	(a) The mixing ratio must be printed on the label.
194	Disodium 5-amino-4-hydroxy-3-(phenylazo)naphthalene-2,7-disulphonate ⁽¹⁵⁾ Acid Red 33 CAS 3567-66-6 EINECS 222-656-9 CI 17200	Hair dye substance in non-oxidative hair dye products	0,5 %		

a	b	c	d	e	f
195	Sodium 1-amino-4-(cyclohexylamino)-9,10-dihydro-9,10-dioxoanthracene-2-sulphonate ⁽¹⁵⁾ Acid Blue 62 CAS 4368-56-3 EINECS 224-460-9 CI 62045	Hair dye substance in non-oxidative hair dye products	0,5 %	— Do not use with nitrosating systems — Maximum nitrosamine content: 50 µg/kg — Keep in nitrite-free containers	
196	1-[(2'-Methoxyethyl)amino]-2-nitro-4-[di-(2'-hydroxyethyl)amino]benzene ⁽¹⁵⁾ HC Blue No 11 CAS 23920-15-2 EINECS 459-980-7	Hair dye substance in non-oxidative hair dye products	2,0 %	— Do not use with nitrosating systems — Maximum nitrosamine content: 50 µg/kg — Keep in nitrite-free containers	
197	1,5-Di-(β-hydroxyethylamino)-2-nitro-4-chlorobenzene ⁽¹⁵⁾ HC Yellow No 10 CAS 109023-83-8 EINECS 416-940-3	Hair dye substance in non-oxidative hair dye products	0,1 %	— Do not use with nitrosating systems — Maximum nitrosamine content: 50 µg/kg — Keep in nitrite-free containers	
198	3-Methylamino-4-nitrophenox-yethanol ⁽¹⁵⁾ 3-Methylamino-4-nitrophenox-yethanol (INCI) CAS 59820-63-2 EINECS 261-940-7	Hair dye substance in non-oxidative hair dye products	0,15 %	— Do not use with nitrosating systems — Maximum nitrosamine content: 50 µg/kg — Keep in nitrite-free containers	
199	2,2'-[[4-[(2-hydroxyethyl)amino]-3-nitrophenyl]imino]bisethanol ⁽¹⁵⁾ HC Blue No 2 CAS 33229-34-4 EINECS 251-410-3	Hair dye substance in non-oxidative hair dye products	2,8 %	— Do not use with nitrosating systems — Maximum nitrosamine content: 50 µg/kg — Keep in nitrite-free containers	Can cause allergic reaction

a	b	c	d	e	f
200	1-Propanol, 3-[[4-[bis(2-hydroxyethyl)amino]-2-nitrophenyl]amino] ⁽¹⁵⁾ HC Violet No 2 CAS 104226-19-9 EINECS 410-910-3	Hair dye substance in non-oxidative hair dye products	2,0 %	— Do not use with nitrosating systems — Maximum nitrosamine content: 50 µg/kg — Keep in nitrite-free containers	Can cause allergic reaction
201	Phenol, 2-chloro-6-(ethylamino)-4-nitro- ⁽¹⁵⁾ 2-Chloro-6-ethylamino-4-nitrophenol CAS 131657-78-8 EINECS 411-440-1	Hair dye substance in non-oxidative hair dye products	3,0 %	— Do not use with nitrosating systems — Maximum nitrosamine content: 50 µg/kg — Keep in nitrite-free containers	Can cause allergic reaction
202	4,4'-[1,3-Propanediylbis(oxy)]-bisbenzene-1,3-diamine and its tetrahydrochloride salt ⁽¹⁵⁾ 1,3-bis-(2,4-Diaminophenoxy)propane CAS 81892-72-0 EINECS 279-845-4 1,3-bis-(2,4-Diaminophenoxy)propane HCl CAS 74918-21-1 EINECS 278-022-7	(a) Hair dye substance in oxidative hair dye products (b) Hair dye substance in non-oxidative hair dye products	(b) 1,2 % as free base (1,8 % as tetrahydrochloride salt)	(a) After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 1,2 % calculated as free base (1,8 % as tetrahydrochloride salt).	(a) The mixing ratio must be printed on the label. For (a) and (b): Can cause allergic reaction
203	6-Methoxy-N2-methyl-2,3-pyridinediamine hydrochloride and dihydrochloride salt ⁽¹⁵⁾ 6-Methoxy-2-methylamino-3-aminopyridine HCl CAS 90817-34-8 (HCl) CAS 83732-72-3 (2HCl) EINECS 280-622-9 (2HCl)	(a) Hair dye substance in oxidative hair dye products (b) Hair dye substance in non-oxidative hair dye	(b) 0,68 % as free base (1,0 % as dihydrochloride)	(a) After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 0,68 % calculated as free base (1,0 % as dihydrochloride). For a) and b): — Do not use with nitrosating systems — Maximum nitrosamine content: 50 µg/kg — Keep in nitrite-free containers	(a) The mixing ratio must be printed on the label. For (a) and (b): Can cause allergic reaction

a	b	c	d	e	f
204	2,3-Dihydro-1H-indole-5,6-diol and its hydrobromide salt ⁽¹⁵⁾ Dihydroxyindoline CAS 29539-03-5 Dihydroxyindoline HBr CAS 138937-28-7 EINECS 421-170-6	Hair dye substance in non-oxidative hair dye products	2,0 %		Can cause allergic reaction
205	4-Hydroxypropylamino-3-nitrophenol ⁽¹⁵⁾ 4-Hydroxypropylamino-3-nitrophenol (INCI) CAS 92952-81-3 EINECS 406-305-9	(a) Hair dye substance in oxidative hair dye products (b) Hair dye substance in non-oxidative hair dye products	(b) 2,6 %	(a) After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 2,6 % calculated as free base. For (a) and (b): — Do not use with nitrosating systems — Maximum nitrosamine content: 50 µg/kg — Keep in nitrite-free containers	(a) The mixing ratio must be printed on the label.

⁽¹⁵⁾ The free base and salts of this hair colouring ingredient, unless prohibited under Annex II, are permitted for use.'

2. In columns 'c' and 'd' of entry 55 of Part 2 of Annex III section b is deleted.
3. In Part 2 of Annex III reference numbers 7, 9, 14, 24, 28, 47, and 58 are deleted.

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

EUROPEAN PARLIAMENT AND COUNCIL

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 11 March 2009

on mobilisation of the European Union Solidarity Fund, in accordance with point 26 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management

(2009/326/EC)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 26 thereof,

Having regard to Council Regulation (EC) No 1212/2002 of 11 November 2002 establishing the European Union Solidarity Fund ⁽²⁾, and in particular Article 4(3) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The European Union has created a European Union Solidarity Fund (the Fund) to show solidarity with the population of regions struck by disasters.
- (2) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the Fund within the annual ceiling of EUR 1 billion.
- (3) Regulation (EC) No 1212/2002 contains the provisions whereby the Fund may be mobilised.

- (4) Romania submitted an application to mobilise the Fund, concerning a disaster caused by floods. The Commission considers that the application meets the conditions set out in Article 2 of Regulation (EC) No 1212/2002, and therefore proposes to authorise the corresponding appropriations,

HAVE DECIDED AS FOLLOWS:

Article 1

In the general budget of the European Union for the financial year 2009, the European Union Solidarity Fund shall be mobilised to provide the sum of EUR 11 785 377 in commitment and payment appropriations.

Article 2

This Decision shall be published in the *Official Journal of the European Union*.

Done at Strasbourg, 11 March 2009.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

A. VONDRA

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 311, 14.11.2002, p. 3.

COMMISSION

COMMISSION DECISION

of 16 April 2009

terminating the anti-dumping proceeding concerning imports of stainless steel cold-rolled flat products originating in the People's Republic of China, the Republic of Korea and Taiwan

(2009/327/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (the basic Regulation), and in particular Article 9 thereof,

After consulting the Advisory Committee,

Whereas:

1. PROCEDURE

1.1. Initiation of the proceeding

(1) On 1 February 2008, pursuant to Article 5 of the basic Regulation, the Commission announced by a notice (notice of initiation) published in the *Official Journal of the European Union*⁽²⁾, the initiation of an anti-dumping proceeding with regard to imports into the Community of stainless steel cold rolled flat products (SSCR), originating in the People's Republic of China (PRC), the Republic of Korea, and Taiwan (the countries concerned).

(2) The proceeding was initiated following a complaint lodged on 21 December 2007 by EUROFER (the complainant) on behalf of producers representing a major proportion, in this case more than 25 %, of the total Community production of SSCR. The complaint contained *prima facie* evidence of dumping of SSCR originating in the countries concerned and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding.

1.2. Parties concerned and verification visits

(3) The Commission officially advised the complainant, all the Community producers, importer/traders and users known to be concerned and their associations, as well as the exporting producers and the authorities of the countries concerned of the initiation of the proceeding. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the notice of initiation. All interested parties, who so requested and showed that there were particular reasons why they should be heard, were granted a hearing.

(4) In order to allow exporting producers in the PRC to submit a claim for market economy treatment (MET) or individual treatment (IT), if they so wished, the Commission sent claim forms to the exporting producers known to be concerned as well as to the authorities of the PRC. Four groups of companies in the PRC claimed MET pursuant to Article 2(7)(b) of the basic Regulation or IT, should the investigation establish that they did not meet the conditions for MET.

(5) In view of the apparent large number of exporting producers in the PRC, the Republic of Korea, and Taiwan, of importers in the Community, and of Community producers, sampling for those parties was envisaged in the notice of initiation in accordance with Article 17 of the basic Regulation.

(6) However, for the PRC and the Republic of Korea, given that the investigation of all the cooperating companies or company groups was considered feasible within the deadlines and not unduly burdensome, it was subsequently decided that sampling would not be necessary. For Taiwan, out of the 10 companies or company groups (one group consisted of two companies) which had replied to the sampling questions, a sample of four companies or company groups was selected. However,

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ C 29, 1.2.2008, p. 13.

one of them subsequently withdrew its cooperation; therefore the final sample consists of three companies or company groups. Finally, one non-sampled Taiwanese company requested individual examination pursuant to Article 17(3) of the basic Regulation. However, since it did not submit sufficient information, it was considered as non-cooperating.

(7) As concerns the importers of SSCR, the Commission requested all known importers to provide information concerning imports and sales of the product concerned. A large number of importers offered to cooperate. The five major importers in terms of volume of imports were selected for the sample. These importers represent around 16 % of total Community imports from the countries concerned. In accordance with Article 17(2) of the basic Regulation, the parties concerned were consulted and raised no objection. However, three of the selected importers eventually did not submit a questionnaire reply and decided not to cooperate further with the investigation. The two remaining importers represented 2 to 4 % of the total Community imports from the countries concerned during the investigation period. As inclusion of some of the other importers which had offered cooperation would only slightly affect the representativity of the sample, it was decided not to replace the three sampled importers which ceased their cooperation with the investigation.

(8) With regard to the Community producers, in accordance with Article 17 of the basic Regulation, a sample was selected based on the largest representative volume of production and EC sales of SSCR in the Community, which could reasonably be investigated within the time available. On the basis of the information received from the producers in the Community, the Commission selected four companies (two groups of related companies) having the largest volume of production and sales in the Community. In terms of Community production, the sampled companies represented 62 % of the estimated total production of SSCR in the Community and 99 % of the sales volume in the Community of the producers that offered cooperation. In accordance with Article 17(2) of the basic Regulation, the parties concerned were consulted and raised no objection. In addition, the remaining Community producers were requested to provide certain general data for the injury analysis.

(9) The Commission sent questionnaires to the sampled exporting producers, Community producers and importers, and to all known users and user associations. Full questionnaire replies were received from four Community producers, 25 companies belonging to four company groups in the PRC, eight companies belonging to three company groups in the Republic of Korea, three sampled exporting producers in Taiwan, one company in Taiwan requesting individual examination, two importers and five users in the Community. In addition six remaining Community producers provided the requested general data.

(10) The Commission sought and verified all the information it deemed necessary for the purpose of examining the MET/IT claims in the case of the PRC, and for a determination of dumping, resulting injury and Community interest for the countries concerned. Verification visits were carried out at the premises of the following companies:

(a) Community producers

- ArcelorMittal, Genk, Belgium,
- ArcelorMittal, Paris, France,
- ThyssenKrupp Nirosta, Krefeld, Germany,
- ThyssenKrupp Terni, Terni, Italy;

(b) Exporting producers in Taiwan

- Chia Far Industrial Factory Co., Ltd, Taipei,
- Jie Jin Material Science Technology Co. Ltd., Yung Kang City,
- Yeun Chyang Industrial Co., Ltd, Shijou Shiang, Chang-Hwa,
- YUSCO Group (Yieh United Steel Corporation and related companies), Kaohsiung;

(c) Exporting producers in the Republic of Korea

- Daiyang Metal Co., Ltd; Seoul,
- The group of BNG Steel Co., Ltd and Hyundai Steel Company; Changwon and Seoul,
- The group of POSCO and Daimyung TMS CO., Ltd; Seoul;

(d) Exporting producers in the PRC

- Lianzhong Stainless Steel Corp. (LISCO), Guangzhou,
- Ningbo Qiyi Precision Metals Co., Ltd; Ningbo,
- POSCO China Group, (group of eight companies); Zhangjiagang, Qingdao and Hong Kong SAR,
- STSS Group (Shanxi Taigang Stainless Steel Co., Ltd and 14 related companies); Taiyuan, Tianjin, Wuxi, Foshan, Hong Kong SAR and Willich, Germany;

(e) Unrelated importers in the Community

- Minmetals Germany GmbH, Düsseldorf, Germany,
- Nord Est Metalli Srl, San Vito al Tagliamento, Italy;

(f) Users in the Community

- BSH Bosch Siemens Hausgeräte GmbH, München, Germany,
- Eberspächer GmbH & Co. KG, Neunkirchen, Germany,
- Lowara Srl, Montecchio Maggiore, Italy.

(11) In light of the need to establish a normal value for the exporting producers in the PRC to which MET might not be granted, a verification in the provisionally selected analogue country, the USA, took place at the premises of the following producers:

- AK Steel; West Chester, OH, Coshocton, OH and Butler, PA,
- Theis Precision Metal; Bristol, CT.

1.3. Investigation period

(12) The investigation of dumping and injury covered the period from 1 January 2007 to 31 December 2007 (the investigation period or IP). The examination of trends relevant for the assessment of injury covered the period from 1 January 2004 to the end of the investigation period (period considered).

1.4. Product concerned

(13) The product allegedly being dumped is flat-rolled products of stainless steel, not further worked than cold-rolled (cold-reduced), originating in the People's Republic of China, the Republic of Korea and Taiwan (the product concerned), normally declared within CN codes 7219 31 00, 7219 32 10, 7219 32 90, 7219 33 10, 7219 33 90, 7219 34 10, 7219 34 90, 7219 35 10, 7219 35 90, 7220 20 21, 7220 20 29, 7220 20 41, 7220 20 49, 7220 20 81 and 7220 20 89.

(14) SSCR is used in a wide range of consumer industries and final applications. Examples of these are:

- car manufacturing: exhaust systems, decoration, safety and structural components,
- equipment for the chemicals, petrochemicals, paper-making, food processing and pharmaceuticals industries,
- domestic appliances, kitchen utensils, tableware and cutlery,
- manufacture of medical equipment,
- public lighting and street furniture equipment,
- manufacture of tubes for fluids transport, decoration, structural applications, heat exchangers,
- shipbuilding,
- desalination plants,
- manufacture of railway trucks and carriages, road tankers, refrigerated containers,
- decoration and structural applications in building industry.

1.5. Interim report and subsequent procedure

(15) On 4 November 2008 the Commission disclosed to interested parties an Interim Report setting out its provisional findings with respect to this proceeding, i.e. the fact that the investigation established provisionally the existence of dumping but it did not conclude on the existence of a material link between dumped imports and any injury suffered by the Community industry and underlined the need to investigate further the situation as well as the aspect of possible threat of injury. On the basis of the provisional findings it was considered appropriate not to impose any provisional measures but to continue the investigation. All parties were given an opportunity to submit relevant evidence and comments on the provisional findings. The parties which so requested were also granted the opportunity to be heard. The Commission continued to seek and verify all information it deemed necessary for its final findings.

2. WITHDRAWAL OF THE COMPLAINT AND TERMINATION OF THE PROCEEDING

- (16) By a letter dated 4 March 2009 addressed to the Commission, the complainant formally withdrew its complaint. According to the complainant, this withdrawal was prompted by the fact that the current market situation for the Community industry differs significantly from the market situation in which the complaint was filed, given that the real and apparent demand has recently collapsed in the EU and this has also led to a decline in imports. In view of these market turbulences, the complainant does not want to pursue its current case which was based on an analysis of historic data that no longer fully reflect the current market conditions. According to the complainant, it is preferable to respond in these circumstances to any unfair injurious trade practices by way of a new case – in case a future situation would warrant such action – which could fully address the totality of the issues.
- (17) The complainant also argued that should the import volumes surge again, these imports could in the prevailing circumstances cast the viability of the Community industry into doubt.
- (18) It should be noted that the current situation with respect to the product concerned both in the EU and in the countries concerned is characterised by an unprecedented change of the fundamental economic parameters. While in these circumstances it is difficult to make reasoned assumptions as to the development of the market in the short to medium-term, it would also seem that the economic situation is volatile and that the appearance of injurious dumping could not be excluded. Given that at least during part of the investigation period a considerable surge of subject imports in a relative short period of time was found and given the price undercutting established, it is deemed appropriate to monitor imports into the EU of the product concerned. The information obtained in the framework of such monitoring would enable the Commission to react quickly, if necessary. For instance, it could be used for the purposes of the initiation of a new proceeding provided that the conditions as set out in Article 5 of the basic Regulation are met, i.e. if there is sufficient *prima facie* evidence of injurious dumping.
- (19) The Commission also notes that, should there be a new proceeding concerning this product and the circumstances warrant, an expeditious investigation may be appropriate. The basic Regulation in Article 7(1) indeed caters for such a possibility as it allows a rather fast imposition of provisional measures after initiation.

- (20) The monitoring period should apply for up to 24 months from the publication of the termination of the present proceeding.
- (21) In accordance with Article 9(1) of the basic Regulation, the proceeding may be terminated where the complaint is withdrawn unless such termination would not be in the Community interest.
- (22) The Commission considered that the present proceeding should be terminated since the investigation had not brought to light any consideration showing that such termination would not be in the Community interest. Interested parties were informed accordingly and were given the opportunity to comment. However, no comments which could alter this decision were received.
- (23) The Commission therefore concludes that the anti-dumping proceeding concerning imports into the Community of stainless steel cold-rolled flat products originating in the People's Republic of China, the Republic of Korea and Taiwan should be terminated without the imposition of anti-dumping measures,

HAS DECIDED AS FOLLOWS:

Article 1

The anti-dumping proceeding concerning imports of flat-rolled products of stainless steel, not further worked than cold-rolled (cold-reduced), originating in the People's Republic of China, the Republic of Korea and Taiwan, normally declared within CN codes 7219 31 00, 7219 32 10, 7219 32 90, 7219 33 10, 7219 33 90, 7219 34 10, 7219 34 90, 7219 35 10, 7219 35 90, 7220 20 21, 7220 20 29, 7220 20 41, 7220 20 49, 7220 20 81 and 7220 20 89 is hereby terminated.

Article 2

This Decision shall enter into force on the day following its publication in the *Official Journal of the European Union*.

Done at Brussels, 16 April 2009.

For the Commission
Catherine ASHTON
Member of the Commission

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